

**U.S. DISTRICT COURT FOR WESTERN DISTRICT
OF PENNSYLVANIA**

WARREN DURHAM, JR.,

CIVIL ACTION

Plaintiff,

No.: 04-297E

-vs-

Judge Sean J. McLaughlin/Magistrate Judge
Susan Paradise Baxter

CITY OF ERIE, PENNSYLVANIA,
COUNTY OF ERIE, PENNSYLVANIA,
CHRISTOPHER McELYNN, BRUCE
TACKETT, JAMES WASHBURN,
PATRICK DURKIN, and FRED P.
ANTHONY,

Defendants.

**DEFENDANT, JAMES WASHBURN'S
RESPONSE TO PLAINTIFF'S REQUEST FOR ADMISSIONS**

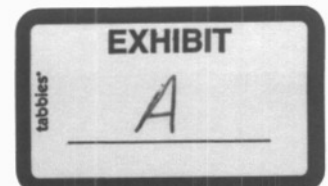
AND NOW come the Defendant, James Washburn, by and through his counsel,
Law Office of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and submits the following
Response to Plaintiff's Request for Admissions as follows:

1. That you were a police officer for the City of Erie for approximately 20 years.

 X TRUE FALSE

2. That as a police officer you obeyed state and federal laws.

 X TRUE FALSE



3. That on or about January 29, 1996 while the Plaintiff was in the Erie County Prison, you broke into his home without a valid search and seizure warrant.

_____ TRUE X FALSE

4. That you violated Plaintiff's constitutional right against unreasonable search when forcibly entering his home without a valid search warrant on or about January 29, 1996.

_____ TRUE X FALSE

5. That you personally served the search warrants for Plaintiff's house on or about January 29, 1996.

_____ TRUE X FALSE

It is this Defendant's belief that it was January 23, 1996.

6. That an Affidavit of Probable Cause was secured from the court pursuant to the issue of a search warrant to search Plaintiff's house on or about January 29, 1996.

 X TRUE _____ FALSE

7. That a search warrant must detail the particular place to be search.

 X TRUE _____ FALSE

8. That you have conducted unconstitutional searches of other private residences in violation of the Fourth Amendment.

_____ TRUE

_____ X FALSE

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907

Attorney for Defendants,
James Washburn and Patrick Durkin
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3184

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANT, JAMES WASHBURN'S RESPONSE TO PLAINTIFF'S REQUEST FOR ADMISSIONS has been served by First Class Mail, postage pre-paid, upon the following parties on this 22nd day of June, 2006.

Warren Durham, Jr.
12119 Matherson Avenue
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(Pro Se Plaintiff)

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(Counsel for Defendant, Bruce Tackett)

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(Counsel for Defendant, Judge Fred P. Anthony)

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

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